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OGC Has Reviewed

DD/A Registry

78-2594/19

OLC # 78-3224

17 October 1978

DD/A Registry

File

MEMORANDUM FOR : Deputy Director for Operations
Deputy Director for Administration
Deputy Director for Science & Technology
General Counsel

FROM : S. D. Breckinridge

SUBJECT : Planning for the Final HSCA Report

1. We have asked the HSCA to arrange to give us sections of its report at different times to facilitate our review and response. There has been no response to this request although it has been made both in writing and orally.

2. The Memorandum of Understanding with the Committee provides that the Committee will notify the DCI in writing of its desire to disclose any information designated for protection by the DCI. Until advised to the contrary (and we will try to clarify it) our working assumption is that the submission of the final report to us will constitute a written notice of the desire to have the material in that report published. If the Committee does not receive a response "within five days," objecting to this and stating the reasons, then the Committee may disclose the information. There are provisions for subsequent exchanges on the point but the key provision is the first five-day period.

3. As a practical matter we will have two separate reviews to conduct--a security review and a substantive review. We probably should plan to conduct the two reviews at the same time. Our formal agreement clearly provides for our right to take a stand in opposition to disclosure of sensitive material. We have been told that the Committee will also receive and consider any factual corrections that we offer and any statements of disagreement that we

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have on substantive issues.

4. In anticipation of the short deadline (and the agreement says five days, not five working days) we should plan in advance on an informal working group consisting of representatives from the affected organizations (DDO, DDA, DDS&T, OGC and OLC). Directorate representatives should be authorized to designate persons within the Directorate, both substantively competent and in sufficient numbers to conduct the necessary reviews. At present the following components seem to have been involved:

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After there has been time to consider the problems that will be faced, the undersigned will ask for a meeting with representation as appropriate from the above components.

5. Arrangements will be made by OLC with Printing Services Division for priority reproduction of the HSCA draft report immediately upon receipt. The number of copies will be determined by agreement among the above parties. Distribution of copies will be by hand on a priority basis. Various components will be organized for an intensive review for both security and substantive issues of the sections affecting them. In essence, each component will prepare two different responses, one dealing solely with security considerations and the other dealing with factual corrections and disagreements with interpretation and presentation. These papers will be prepared and forwarded to OLC which will consolidate the responses into a single response. That paper will be reviewed in a working session by designated representatives of the various organizations.

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6. A common criteria for security review and proposed sanitization will be necessary to insure some rational standard and some degree of consistency in applying it. Fairly simple instructions will come the closest to meeting the requirements of such an operation and the attached guidelines present a useful point of departure in considering it. They were developed after some experience with the problem during the Church Committee investigations. While longer guidelines exist, they are not practical for a pressure operation such as this will be.

7. Present HSCA planning is to have available for our review a Summary Report to be considered by the full Committee in public sessions mid-November. The Staff Summary of the investigations are planned for mid- to late-December. We should be ready in early November for the first round.

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S. D. Breckinridge

Attachment

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3 July 1975

ATTACHMENT

Form 163a
8-66

SUBJECT: Criteria for Sanitizing Documents for the Senate Select Committee

1. In terms of protecting the Agency, any name, organization, technique or activity which would compromise operations, sources, personnel or methods if made public, will be deleted. A descriptive phrase should be substituted for the deletion, i.e., a foreign journalist, a political official in the opposition party.

2. In deleting the identities of individuals and activities, it may be necessary to also delete descriptive items which would permit identification from public records such as newspaper morgues, telephone directories, credit, police, court or insurance records, and the like. For example, it would be pointless to delete the name of an individual but retain his phone number, address or automobile license number which would permit easy positive identification.

3. Third Agency documents will not be released to the Senate Select Committee by the Agency. In the case of Third Agency employees, their names should be deleted if the employees are described as participating in activities of a significant or sensitive nature.

4. Specific items to be deleted in any documents sanitized for the Senate Select Committee are as follows:

a. The identity of CIA covert staff, contract and agent personnel except:

(1) Individuals already publicly identified and

(2) Deputy directors and heads of major independent components such as the Director of Security.

b. The identity of any individual or organization in the private sector who might suffer embarrassment, harassment or financial loss through disclosure of association with the Agency.

c. The identity of cover used by CIA personnel and installations (including proprietaries), both commercial and official (other government departments and agencies).

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d. The identity of active CIA cryptonyms, pseudonyms and aliases applied to personnel, operations, installations, clearances, special equipment or activities.

e. The identity of viable covert installations, including proprietaries, safehouses, listening posts, observation posts, and training sites or installations.

f. The identity of special operating methods or procedures, sensitive operational equipment and technical devices, and special channels of communication (general or generic descriptions such as mail coverage, telephone tap, technical surveillance and the like, should not be excluded).

g. Any reference to personal or other confidential contacts with members of Congress or Congressional staff personnel or the details of executive session testimony before Congressional Committees. If there is any doubt about any item, OLC should be consulted.

5. Presidential directives and other policy documents are to be handled as follows:

a. 40 Committee papers will not be released to the Senate Select Committee staff. This includes Agency presentations to the 40 Committee and 40 Committee minutes.

b. WSAG documents will not be released.

Documents referring to 40 Committee deliberations, WSAG, or other NSC/Presidential deliberations will not be released.

c. Documents setting forth options to be considered by the WSAG, 40 Committee, NSC or the President or any other documents dealing with factors leading to decisions will not be released.

d. Any directive to the Agency transmitting a final decision or directive to the Agency may be released. This includes Presidential directives.

e. Any documents referring to directives received from the President, WSAG Committee, etc., may be released.

f. Documents citing action taken by CIA following policy level directive may be released.

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